

REMARKS

Claims 1, 3, 4, and 6-8 are pending.

Claims 1 and 4 are independent claims.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3, 4 and 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yutaka (JP 08-050290) in view of Benzing et al. (US Patent 6,547,910). This rejection is traversed.

Initially, the reference to Benzing (US Patent 6,547,910) is non-analogous to the base reference and to the claims and the present application.

That is the first reference and the claims are directed to sticking a polarizer to a substrate. For example, as disclosed in the present application, the substrate can be a Liquid Crystal Display and the polarizer is attached to the Liquid Crystal Display. The reference to Benzing discloses a method and apparatus for applying a covering to a breakable material. This is not the same art as the first reference or the claims and furthermore, one skilled in the art would not have looked to the Benzing reference as a teaching for solving a problem in applying a polarizing plate to a substrate. This was discussed, for example in *In re Wood*, 202 USPQ 171 (CCPA 1979), the Court stated as follows:

“The determination that a reference is from a nonanalogous art is therefore twofold. First, we decide if the reference is within the field of the inventor’s endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.”

The Benzing et al. reference fails to meet the two tests for our analogous art as explained above.

Secondly, in rejecting the claims, the Examiner states that Benzing has “roller 19” but element 19 is not a roller, it is only a role as described in the reference. It is at best a position or function while the roller in the context claim is a cylindrical device that rolls. Furthermore, one skilled in the art would recognize the difference between “roll” in the reference and a roller in the context claimed.

Also, the rejection fails to establish a *prima facie* case of obviousness. That is there would be no motivation to combine the references outside of the applicants own disclosure as a template in reconstructing the art.

Additionally, before jumping to a conclusion of obviousness, the Examiner must consider the unexpected results achieved.

This was explained in the case of *The Gillette Co. v. S.C. Johnson & Son, Inc.* 16 USPQ2d 1923, 1928 (Fed. Cir. 1990), wherein the Court stated as follows:

An analysis of obviousness of a claimed combination must include consideration of the results achieved by that combination. As we explained in *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985): [cited in MPEP]

The unexpected result is set forth, for example, in the paragraph reaching pages 6 and 7 of the specification. In particular, as disclosed in the present specification,

the present invention enables “sticking a polarizer to a liquid crystal panel with high precision realizing a smaller space and compactness by employing a stageless (tableless) structure.” The present polarizer sticking unit is provided “for sticking of a polarizer particularly

to a large liquid crystal panel, and realizing extremely high work efficiency, improved throughput, and prevention of occurrence of air bubbles at the time of sticking of a polarizer to a liquid crystal panel.”

The comments set forth above also apply to independent claim 4.

The dependent claims are considered patentable at least for the same reasons as the base or intervening claims.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 103.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert W. Downs (Reg. No. 48,222) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

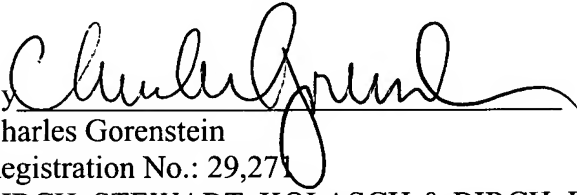
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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